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## BOOK REVIEWS.

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YEAR BOOKS OF RICHARD II. 12 RICHARD II, A. D. 1388-1389. Edited for the Ames Foundation by George F. Deiser of the Philadelphia Bar, Librarian of The Hirst Free Law Library. Cambridge: Harvard University Press, 1914. pp. xxx, 239.

The appearance of a Year Book from the reign of Richard II is an event to arouse the interest of all students of English Legal History. Hitherto this reign has presented the one great gap in the otherwise nearly continuous series of Year Books. True, BELLEWE collected brief summaries of some of the cases from the abridgements of STATHAM, FITZHERBERT and BROOKE; but these so-called reports are much more unsatisfactory than the admittedly defective reports in the folio Year Books. We feel, therefore, very grateful to Mr. DEISER and the Harvard University Press for their courageous attempt to supply the missing cases.

The work of preparing a Year Book from the manuscripts is a heavy one. Aside from the problems of textual criticism which are by no means light, the editing and interpretation of the cases require a minute and exact knowledge of the intricacies of mediaeval law such as is possessed by few scholars. Numerous things point to haste or carelessness in the preparation of the present volume, but, in calling attention to them, we act not in any spirit of hostile criticism, but with full realization of the difficulties of the task and the large possibility of error. We think they are defects which in the future may be remedied. Thus the editor presents four facsimiles of manuscripts. All except one (p. 182, to be noticed presently) represent manuscripts which were not used as the basis of the text. This is very disappointing, for it deprives the facsimiles of all critical value. The facsimile facing page 74 has nothing whatever to do with the cases it is stated to represent. The careful reader will discover that it does relate to the case on page 84, though here again the editor based his text on another manuscript. The list of counsel and judges (facing p. xxx) is very defective. In the first case in the book there appear two counsel whose names have been omitted from this list; in fact it would be easy to double the number Mr. DEISER presents. Curiously enough the name of PYNCHBECK, chief baron of the Exchequer, is missing in the list of judges, and there is no notice of the Exchequer as a court. Finally, the syllabi at the head of the cases fail often to represent the questions at issue. Now if the editor had been content merely to translate the French summary we should have nothing to say. As however he sometimes deviates from his text and presents a headnote of his own (e. g. p. 31), we think that he should have taken care to see that the syllabi really represent the cases. To cite only one example, the note on page 22 gives no clue to the points at issue.

The basis of this edition is necessarily the French text. We doubt whether anyone who compares this Year Book with one of MAITLAND'S will agree with the editor's statement (p. viii) that it shows "an improvement on the

earlier Year Book French." True, it does not exhibit that degenerate mixture of French and English to be found in the latest Year Books, though the famous phrase Mr. DEISER quotes ('Il ject un brickbat a le dit justice') did not appear, as he seems to think, in a Year Book, but in the notes to DYER'S REPORTS (ed. of 1688). One statement of the editor's deserves close attention. He says (p. viii), speaking of lapses in grammar, that "the articles definite and indefinite display peculiar affinities of gender; we see *un femme* and *une homme* and verbs disporting themselves through two or three conjugations. \* \* \*" This is perfectly true; but at the same time it should be remembered that the scribe uses many abbreviations, and in *expanding* these abbreviations we expect careful attention to grammatical form. Thus the definite article is commonly represented by the letter "l" with a stroke through it; of course this should be written "le" or "la" according to the gender of the noun modified. A comparison of the case on page 182 with the facsimile shows how this and other rules have been disregarded. We give herewith Mr. DEISER's reading of certain phrases with the readings from the manuscript in parenthesis: 'en le ville' (en *la vile*); 'pur homage' (pur l'homage); 'countee' (counte); 'Qe aviez del acquittaunce' (Qe *avez de l'acquittaunce*); 'aviez en le sieurie' (*avez en la seignurie*); 'Nous vous dioms' (Nous dioms); 'le seisin' (*la seisin*). In line four the editor encloses certain words in parenthesis stating in a note that he has taken them from other manuscripts. This is curious for they appear plainly in the facsimile of the principal manuscript. The same mistake is made on page 183. On the same page (line 5) the editor inserts words which are lacking in the manuscript without telling the source from which he took them and on page 184 (line 9) he omits 'ly' before 'dona.' These are small mistakes and it would be absurd to attach great importance to them. They do, however, raise suspicions with regard to many curious formations which appear in the text, for example the following: 'ovesqz,' 'forsqz,' 'donqz,' 'tanqz,' 'evesqz.' These are not French words, not even Norman French. It seems probable (though this point cannot be finally settled without access to the manuscripts) that Mr. DEISER has mistaken a conventional abbreviation for the letter 'z,' and that instead of 'evesqz' (to choose but one word) he should have written 'evesque.' Again he persistently writes 'brief de trans.' Now 'trans' is not a word; it is the scribe's way of writing 'transgressio' (cf. Selden Society, 26: 135, 'En transgressio \* \* \*') The abbreviation should have been expanded. We think also that 'bref' is a better rendering than 'brief.' In short the editor's transcriptions are substantially accurate, but in the way of exact scholarship they leave much to be desired.

The handling of the Latin phrases in the text (likewise the Latin record) seems to have given the editor considerable difficulty. This has led him to say in his introduction (p. xxvii) that "the extension of the Latin abbreviations has been a matter of some doubt, owing to the lack of authority as to mediaeval Latin." This statement is only partially true. Where a scribe abbreviates a place-name or an unusual word no one can say how he would have written it in full, but the form of ordinary words is pretty well settled, and of course the common rules of grammar are to be observed. What then

shall we say of some of the following?: 'Tamen hoc fuit dedictus' (p. 22); 'quod fuit negatus' (p. 22); 'Tamen query unde *legem*' (p. 40); 'Vide Termino Trinitatis XIV E III similis materia' (p. 45). It may be the scribe's mistake, but we doubt if he failed to observe gender or placed the object of a transitive verb in the nominative case and the subject of a verb in the accusative case. On page 24 there is a short passage transcribed as follows: '\* \* \* quod assumptis secum la iiii<sup>or</sup> militibus etc. et in propria persona sua etc. et ibidem recordare facias loquelam que est in eadem curiam etc. \* \* \*'. Mr. DEISER does not translate this but renders it in the body of his translation in this way: '\* \* \*quod assumptis secum iiii or militibus etc. et in propria persona sua etc. et ibidem recordare facias loquelam que est in eadem curiam etc. \* \* \*'. What the 'la' is we do not profess to know and without the manuscript we can make no guess. The editor has avoided the difficulty by ignoring it. He does not appear to recognize 'iiii<sup>or</sup>' (i. e. quattuor); for he has made it meaningless by bringing the 'or' down to the line as if it were a separate word. We wonder too if the scribe wrote 'in eadem curiam'; at any rate so elementary a mistake should have been noticed and corrected in the second rendering. The transition from the third to the second person also invites comment. Mistakes such as these are all too common. The reader will find many in the transcriptions of the records. (e. g. p. 143).

The translation discloses many minor inaccuracies. The editor is careless in observing the tense and mood of verbs and omits words without explanation. Sometimes he falls into clumsy English as when he makes CHARLTON, C. J. say, "We will not make an inconvenience." 'Et alii econtra' is translated in four different ways. Oftentimes the translation is too literal. 'Exteint' is constantly rendered 'extinct' where 'extinguished' would be better. 'Sic ad iudicium' may be 'so to judgment,' but MAITLAND's translation (e. g. Selden Society, 17:8) 'so the case stands for judgment' is accurate and makes the meaning clear. 'Brief d'entre sur disseisin' (p. 65) is better rendered 'a writ of entry sur disseisin,' instead of 'a writ of entry on a disseisin.' There are numerous mistakes. Thus 'le (la?) meillour ley' (p. 45) is not 'the best law' 'but the *better* law.' On page 31 occurs the phrase 'prefecturus est in comititia B.' By mistranslating 'prefecturus' (an obvious mistake for 'profecturus') 'prefect,' the editor has obscured the meaning. Such examples prepare one for the worst blunder in the book, which occurs on page 188. In answer to a tender of issue by the other party, WADHAM replies, 'Prist qe noun; qe parcell de terre est tenuz de Roy, prist etc.' This is translated, "Ready! *not quite*; for parcel of the land is held of the King, ready etc." (Italics ours). This passage is self-explanatory. It shows that Mr. DEISER not only misread his text, but failed to grasp an elementary question of pleading.

It would be most unjust not to recognize Mr. DEISER's commendable industry in collating his manuscripts and in comparing his cases with the record. His task was one of difficulty, but it has revealed a wealth of new material.

W. T. B.